

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-CR-312-D
No. 5:16-CV-9-D

WENDELL HUSSEY LLOYD, JR.,)
Petitioner,)
v.)
UNITED STATES OF AMERICA,)
Respondent.)

ORDER

On January 7, 2016, Wendell Hussey Lloyd, Jr. (“Lloyd”) filed a motion to vacate his sentence [D.E. 64]. On July 14, 2016, the government responded and conceded that Lloyd is no longer an armed career criminal and should be resentenced [D.E. 75].

Lloyd's motion [D.E. 64] is GRANTED, and his 188-month sentence is VACATED. After the United States Probation Office prepares a new Presentence Investigation Report ("PSR"), the court will hold a new sentencing hearing and resentence Lloyd. The court notifies the parties that it is considering an upward departure under U.S.S.G. § 4A1.3. See Fed. R. Crim. P. 32(h); U.S.S.G. § 4A1.3(a)(1).

SO ORDERED. This 31 day of October 2016.

J. Dever
JAMES C. DEVER III
Chief United States District Judge